

# **AB 178 (Koretz)**

**Introduced – January 24, 2005**

## **“Fire Safe Cigarettes”**

### **FACT SHEET**

#### **PURPOSE**

AB 178 would require California retailers to sell only fire safe cigarettes, beginning January 2006. The purpose of AB 178 is to reduce the incidence of fires caused by careless smoking.

#### **SUMMARY**

Beginning January 1, 2006, AB 178 would prohibit the sale, offer for sale or manufacture of cigarettes in the state that do not meet the standards established by the American Society of Testing and Materials (ASTM) protocol for measuring the ignition strength of cigarettes.

Wholesale or retail dealers will be permitted to sell their inventory of cigarettes existing on January 1, 2006, provided that such dealers can establish that the inventory was purchased prior to January 1, 2006 in comparable quantity to the inventory purchased during the same period of 2005.

Any wholesale dealer, agent, or any other person or entity that knowingly sells or offers to sell cigarettes wholesale in violation of this act would be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each sale.

Any retail dealer that knowingly sells or offers to sell cigarettes in violation of this would be subject to the following:

(1) A civil penalty not to exceed five hundred dollars (\$500) for each sale or offer for sale in which the total number of cigarettes sold or offered for sale does not exceed 1,000.

(2) A civil penalty not to exceed one thousand dollars (\$1,000) for each sale or offer for sale in which the total number of cigarettes sold or offered for sale exceeds 1,000.

This Act would become inoperative should federal cigarette safety standards be adopted.

#### **COMMENTS**

According to the National Fire Protection Association, cigarettes are the leading cause of fatal deaths and the third leading cause of fire-related injuries in the United States. Each year approximately 1,000 Americans die from cigarette related fires and another 4,000 are injured, resulting in \$4 billion in costs.

More than one third of all cigarette-related fire injuries and deaths occur in innocent children and adults who do not smoke.

Contrary to common opinion, most victims of smoking related fires did not fall asleep smoking. In fact, most were not smokers. Instead, these fires usually began due to someone abandoning or improperly disposing of a cigarette.

Legislative efforts to require fire safe cigarettes began as early as 1979 with Oregon being the first state. In California, that effort began in 1983 when former Senator John Garamendi introduced a bill on fire safe cigarettes. The following year 11 other states proposed similar legislation. Unfortunately, all these efforts failed until 2000, when the State of New York successfully enacted legislation requiring that standards be adopted for a fire safe cigarette by January 2003. After some delay, the New York law became effective on June 28, 2004, when

only cigarettes that met the fire safe standards began to be sold in the state.

A new study released in January 2005 by the Harvard School of Public Health found that major US cigarettes manufacturers were capable of successfully developing a reduced ignition propensity (RIP) cigarette brands. These RIP fire safe cigarettes were found to be acceptable to consumers and did not result in any higher costs in the price or reduction in excise tax payments to the state.

The study concluded that based on the New York experience there is no reason why the cigarette industry should not sell RIP cigarettes nationwide.

## **STATUS**

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Introduced 1-24-05

## **SUPPORT**

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American Lung Association  
California Department of Firefighters  
California Insurance Commissioner John Garamendi  
California Public Interest Research Group  
California State Fire Chiefs  
California State Firefighters Association  
Consumer Federation of California  
Trauma Foundation (Sponsor)

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